

Proposed Rule Amendments:

§322.1. (a) Initiation of physical therapy services.

Summary of Amendment: The amendment is proposed in order to delineate the qualifications beyond licensure, additional requirements, and limitations for a physical therapist to treat a patient without a referral from a qualified healthcare practitioner pursuant to HB 29 amendments to Sec. 453.301, Occupations Code during the 86th Legislative Session.

<rule>

§322.1. Provision of Services.

(a) Initiation of physical therapy services.

(1) Referral requirement. Except as authorized by Subsection (a)(2) to this rule, a [A]physical therapist is subject to discipline from the board for providing physical therapy treatment without a referral from a qualified healthcare practitioner licensed by the appropriate licensing board, who within the scope of the professional licensure is authorized to prescribe treatment of individuals. The list of qualifying referral sources includes physicians, dentists, chiropractors, podiatrists, physician assistants, and advanced nurse practitioners.

(2) Exceptions to referral requirement.

(A) - (C) (No change.)

(D) A PT may treat a patient for an injury or condition without a referral for not more than 10 consecutive business days if the PT:

(i) has been licensed to practice physical therapy for at least one year;

(ii) is covered by professional liability insurance in the minimum amount of \$100,000 per claim and \$300,000 aggregate per year; and

(iii) either:

(I) possesses a doctoral degree in physical therapy from:

1. a program that is accredited by the Commission on Accreditation in Physical Therapy Education; or

2. an institution that is accredited by an agency or association recognized by the United States secretary of education; or

(II) has completed at least 30 CCUs in the area of differential diagnosis.

~~[(D) Prior referrals. A physical therapist may treat a patient for an injury or condition that is the subject of a prior referral if all of the following conditions are met.~~

~~(i) The physical therapist must notify the original referring healthcare personnel of the commencement of therapy by telephone within five days, or by letter postmarked within five business days;~~

~~(ii) The physical therapy provided must not be for more than 20 treatment sessions or 30 consecutive calendar days, whichever occurs first. At the conclusion of this time or treatment, the physical therapist must confer with the referring healthcare personnel before continuing treatment;~~

~~(iii) The treatment can only be provided to a client/patient who received the referral not more than one year previously; and~~

~~(iv) The physical therapist providing treatment must have been licensed for one year. The physical therapist responsible for the treatment of the patient may~~

~~delegate appropriate duties to another physical therapist having less than one year of experience or to a physical therapist assistant. A physical therapist licensed for more than one year must retain responsibility for and supervision of the treatment.]~~

(E) A PT who has completed a residency or fellowship may treat a patient without a referral for not more than 15 consecutive business days if he possesses a doctoral degree as described in Subsection (D) (iii) (I) 1. or 2. and has satisfied the conditions set forth in Subsection (D) (i) and (ii).

(F) A PT who treats a patient without a referral under Subsections (2) (D) or (E) must obtain a signed disclosure on a form prescribed by the board prior to the initiation of treatment. The disclosure form will be made available on the board's website.

(3) (No change.)